

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEALER COMPUTER SERVICES, INC. f/k/a
FORD DEALER COMPUTER SERVICES, INC.,

Plaintiff,

Case No. 06-CV-50836-DT

v.

FLATLAND FORD LINCOLN MERCURY, INC.,

Defendant.

**ORDER DIRECTING PLAINTIFF TO FILE A BRIEF IN SUPPORT
OF ITS “MOTION TO CONFIRM ARBITRATION AWARD”**

Pending before the court is Plaintiff Dealer Computer Services, Inc.’s (“DCS’s”) “Motion to Confirm Arbitration Award,” which was filed on September 1, 2006. Defendant Flatland Ford Lincoln Mercury, Inc. (“Flatland”) has not responded. The court, in order to properly consider the motion, will order DCS to file a brief in support of the motion. In particular, DCS is directed to explain how it served Flatland with the motion. The certificate of service indicates that “Dr. Albert Kalil Abide, III” was served in Mississippi. But nothing in the record before the court indicates who Abide is or whether he is authorized to accept service on behalf of Flatland, apart from what appears on a contract to be his signature as president of Flatland. (Contract Amendment No. 15, Pl.’s Mot. at Ex. 3.) Further, DCS’s motion refers to an assignment of an agreement on September 21, 2006 and then inexplicably refers to the “[l]ater” date of April 27, 2005. (Pl.’s Mot. at ¶ 7.) The date on the signature page of the motion, August 31, 2006, also predates the above assignment date.

(*Id.* at 3.) Finally, the motion references “Value-Ford Mercury” without properly identifying that enterprise and its relationship to the parties. (*Id.* at ¶ 8.) Accordingly,

IT IS ORDERED that DCS file a brief and any appropriate record evidence in support of its motion and addressing the above issues, and any other relevant issues, **no later than 5 p.m. on Friday, January 19, 2007**. DCS should also address the question of whether or not, for purposes of its motion, an entry of default or a default judgment would be necessary.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 21, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 21, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522